

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ROBERT WHITE,)	
)	
Petitioner,)	
v.)	Civil Action No. 05-40104-FDS
)	
UNITED STATES BANKRUPTCY COURT)	
FOR THE DISTRICT OF)	
MASSACHUSETTS, THE HONORABLE)	
HENRY J. BOROFF, UNITED STATES)	
MARSHAL FOR THE DISTRICT OF)	
MASSACHUSETTS, AND LOCAL OR)	
FEDERAL JAIL OR PRISON WHERE)	
PETITIONER IS HELD,)	
)	
Respondents.)	
)	

RESPONDENTS' MOTION TO DISMISS

Respondents in the above-captioned action hereby move, pursuant to Fed. R. Civ. P. 12(b)(1), (2), and (6), to dismiss the Plaintiff's Complaint for lack of subject matter jurisdiction, lack of personal jurisdiction, and failure to state a claim. In support of this motion, the Respondents submit the accompanying Memorandum of Law in Support of their Motion to Dismiss.

Respectfully submitted,
MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Damian W. Wilmot
DAMIAN W. WILMOT
Assistant U.S. Attorney
Moakley Federal Courthouse
Boston, MA 02210
(617) 748-3100

Dated: August 2, 2005

CERTIFICATION UNDER L.R. 7.1

Because Petitioner is a pro se prisoner currently being held in a detention center, counsel for the United States respectfully requests leave to file this Motion without a 7.1 conference. It is the undersigned's position that because the Petitioner is pro se a 7.1 conference is unnecessary, as that Rule pertains to "counsel."

/s/ Damian W. Wilmot
DAMIAN W. WILMOT
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I certify that on August 2, 2005, I caused a copy of the foregoing Motion to be served on Petitioner by first class mail, postage pre-paid to Robert White (80519038), Wyatt Detention Center, Central Falls, RI 02836.

/s/ Damian W. Wilmot
DAMIAN W. WILMOT
Assistant U.S. Attorney